

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

Earl Matthew Bird	)	C/A No. 3:09-2689-CMC-JRM
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Carolyn W. Colvin,	)	
Acting Commissioner of Social Security	)	
Administration, <sup>1</sup>	)	
	)	
Defendant.	)	
	)	

In light of the decision of the United States Court of Appeals in *Bird v. Commissioner of Social Security*, 699 F.3d 337(4th Cir. 2012), the court's order and judgment dated March 4, 2011 (Dkt. Nos. 19, 20) are vacated. This action is remanded to the Commissioner for further proceedings consistent with the Fourth Circuit's opinion.

**IT IS SO ORDERED.**

S/ Cameron McGowan Currie  
 CAMERON MCGOWAN CURRIE  
 UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
 May 8, 2013

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<sup>1</sup> Carolyn W. Colvin is substituted as the Defendant in this action because she became the Acting Commissioner of Social Security on February 14, 2013. As provided in the Social Security Act, “[a]ny action instituted in accordance with this subsection shall survive notwithstanding any change in the person occupying the office of Commissioner of Social Security or any vacancy in such office.” 42 U.S.C. § 405(g).